

(f) Appeal. An appeal may be taken by any adversely affected party within 30 days from the date the order on the motion is rendered. All orders denying relief must include a statement that the movant has the right to appeal within 30 days after the order denying relief is rendered.

XVIII. FORMS

RULE 3.984. APPLICATION FOR CRIMINAL INDIGENT STATUS

IN THE CIRCUIT/COUNTY COURT OF THE _____
JUDICIAL CIRCUIT IN AND FOR _____ COUNTY,
FLORIDA

STATE OF FLORIDA vs.

CASE NO. _____

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

___ I AM SEEKING THE APPOINTMENT OF THE PUBLIC
DEFENDER

OR

___ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED
AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed.

If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making

this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. I have _____ dependents. *(Do not include children not living at home and do not include a working spouse or yourself.)*

2. I have a take home income of \$_____ paid () weekly () bi-weekly () semi-monthly () monthly () yearly

*(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, **minus** deductions required by law and other court ordered support payments)*

3. I have other income paid () weekly () bi-weekly () semi-monthly () monthly () yearly: *(Circle “Yes” and fill in the amount if you have this kind of income, otherwise circle “No.”)*

Social Security benefits..... Yes \$_____ No

Unemployment compensation..... Yes \$_____ No

Union Funds..... Yes \$_____ No

Workers compensation..... Yes \$_____ No

Retirement/pensions..... Yes \$_____ No

Trusts or gifts..... Yes \$_____ No

Veterans’ benefit..... Yes \$_____ No

Child support or other regular support
from family members/spouse..... Yes \$_____ No

Rental income..... Yes \$_____ No

Dividends or interest..... Yes \$_____ No

Other kinds of income not on the list Yes \$_____ No

4. I have other assets: *(Circle “Yes” and fill in the value of the property, otherwise circle “No”)*

Cash..... Yes \$_____ No

Bank account(s)..... Yes \$_____ No

Certificates of deposit or money
market accounts..... Yes \$_____ No

* Equity in Motor vehicles/Boats/
Other tangible property..... Yes \$_____ No

Savings..... Yes \$_____ No

Stocks/bonds..... Yes \$_____ No

* Equity in Real estate
(excluding homestead)..... Yes \$_____ No

* include expectancy of an interest in such property

5. I have a total amount of liabilities and debts in the amount of \$_____.

6. I receive: *(Circle “Yes” or “No”)*

Temporary Assistance for Needy Families-Cash
Assistance..... Yes No

Poverty-related veterans’
benefits..... Yes No

Supplemental Security Income
(SSI)..... Yes No

7. I have been released on bail in the amount of \$_____.

Cash ____ **Surety** ____ **Posted by:** Self ____ Family ____

Other ____

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under section 27.52, Florida Statutes, commits a misdemeanor of the first degree, punishable as provided in section 775.082, Florida Statutes, or section 775.083, Florida Statutes. **I attest that the information I have provided on this Application is true and accurate.**

Signed this _____ day of _____, 20__.

Date of Birth _____
Status _____

Signature of Applicant for Indigent

Last 4 Digits of Driver's License or
ID Number _____

Print full legal name _____

Address _____

City, State, Zip _____

Phone number _____

CLERK'S DETERMINATION

_____ Based on the information in this Application, I have determined the applicant to be () Indigent () Not Indigent

_____ The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this _____ day of _____, 20__.

Clerk of the Circuit Court

This form was completed _____
with the assistance of Clerk/Deputy Clerk/Other
authorized person

**APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY
ASKING FOR A HEARING TIME. Sign here if you want the judge
to review the clerk's decision of not indigent. _____**

RULE 3.9855. JUROR VOIR DIRE QUESTIONNAIRE

DIRECTIONS TO CLERKS, ATTORNEYS, AND PRO SE LITIGANTS:

Before you file a copy of this form, redact the month and date of the prospective juror's birth in question #1, but retain the year of birth.

Fla. R. Gen. Prac. & Jud. Admin. 2.425(a)(2).

JUROR VOIR DIRE QUESTIONNAIRE

1. Name and date of birth _____
2. What city, town or area of the county do you live in? _____
Zip code _____
3. Years of residence: _____ In Florida _____
In this county _____
4. Former residence _____
5. Marital status (married, single, divorced, widow, or widower) _____

6. Your occupation and employer _____

7. If you are not now employed, give your last occupation and employer _____
8. If married, name and occupation of spouse _____

9. Have you ever served as a juror before? yes _____ no _____
If yes, civil _____ criminal _____
Did the jury reach a verdict? yes _____ no _____

Were you the foreperson? yes _____ no _____

10. If you have children, give the age, sex and occupation of those children

11. Are you either a close friend or relative of any law enforcement officer?

12. Have you, a close friend, or family member been the victim of a crime?

13. Have you, a close friend, or family member been arrested or accused of a crime? _____

RULE 3.986. FORMS RELATED TO JUDGMENT AND SENTENCE

(a) Sufficiency of Forms. The forms as set forth below, or computer generated formats that duplicate these forms, shall be used by all courts. Variations from these forms do not void a judgment, sentence, order, or fingerprints that are otherwise sufficient.

(b) Form for Judgment.

___ Probation Violator
___ Community Control Violator
___ Retrial
___ Resentence

In the Circuit Court,
___ Judicial Circuit, in and
for
___ County, Florida
Division _____
Case Number _____

State of Florida

v.

Defendant

JUDGMENT

The defendant, _____, being personally before this court represented by _____, the attorney of record, and the state represented by _____, and having

___ been tried and found guilty by jury/by court of the following crime(s)

___ entered a plea of guilty to the following crime(s)

___ entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

___ and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

___ and being a qualified offender pursuant to section 943.325, Florida Statutes, the defendant shall be required to submit DNA samples as required by law.

___ and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

DONE AND ORDERED in open court in _____ County, Florida, on(date).....

Judge

State of Florida

v.

Defendant

Case Number _____

FINGERPRINTS OF DEFENDANT

R. Thumb R. Index R. Middle R. Ring R. Little

L. Thumb L. Index L. Middle L. Ring L. Little

Fingerprints taken by: _____
(Name) (Title)

I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the defendant,(name)....., and that they were placed thereon by the defendant in my presence this the ____ day of _____,(year).....

Judge

[OR]

I HEREBY CERTIFY that the digital fingerprint record associated with Transaction Control Number _____ contains the fingerprints of the defendant,(name)....., which were electronically captured from the defendant in my presence this the ____ day of _____,(year).....

Court Officer/Court
Employee/Criminal Justice
Agency Employee

(c) Form for Charges, Costs, and Fees.

In the Circuit Court,
_____ Judicial Circuit, in and
for
_____ County, Florida
Division _____
Case Number _____

State of Florida

v.

Defendant

CHARGES/COSTS/FEES

The defendant is hereby ordered to pay the following sums:

[Insert list of mandatory fines, discretionary fines, and restitution, if any.]

DONE AND ORDERED in open court in _____ County,
Florida, on(date).....

Judge

(d) Form for Sentencing.

Defendant _____ Case Number _____ OBTS Number _____

SENTENCE

(As to Count ____)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, _____, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable)

____ and the court having on(date)..... deferred imposition of sentence until this date

____ and the court having previously entered a judgment in this case on(date)..... now resentsences the defendant

____ and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control

It Is The Sentence Of The Court That:

____ The defendant pay a fine of \$____, pursuant to section 775.083, Florida Statutes, plus \$____ as the 5% surcharge required by section 938.04, Florida Statutes.

____ The defendant is hereby committed to the custody of the Department of Corrections.

___ The defendant is hereby committed to the custody of the Sheriff of _____ County, Florida

___ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (check one; unmarked sections are inapplicable):

___ For a term of natural life.

___ For a term of _____.

___ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If “split” sentence complete the appropriate paragraph

___ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

___ However, after serving a period of _____ imprisonment in _____ the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

SPECIAL PROVISIONS
(As to Count ____)

[Include all findings, sentencing enhancements, and mandatory minimum provisions, as authorized by law and pronounced at sentencing.]

Retention of Jurisdiction

_____ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).

Jail Credit

_____ It is further ordered that the defendant shall be allowed a total of ____ days as credit for time incarcerated before imposition of this sentence.

CREDIT FOR TIME SERVED IN RESENTENCING AFTER VIOLATION OF PROBATION OR COMMUNITY CONTROL

_____ It is further ordered that the defendant be allowed ____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____.
(Offenses committed before October 1, 1989.)

_____ It is further ordered that the defendant be allowed ____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count ____.

(Offenses committed between October 1, 1989, and December 31, 1993.)

___ The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(7), Florida Statutes.

___ The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1), Florida Statutes.)

___ It is further ordered that the defendant be allowed ___ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/count _____.
(Offenses committed on or after January 1, 1994.)

Consecutive/Concurrent as to Other Counts

It is further ordered that the sentence imposed for this count shall run (check one)

___ consecutive to ___ concurrent with the sentence set forth in count ___ of this case.

Consecutive/Concurrent as to Other Convictions

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (check one)

___ consecutive to _____ concurrent with (check one) the following:

___ any active sentence being served.

___ specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of _____ County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing the above sentence, the court further recommends

DONE AND ORDERED in open court at _____ County, Florida, on(date).....

Judge

(e) Form for Order of Probation.

In the _____
Court,
of _____ County, Florida
Case Number _____

State of Florida

v.

Defendant

ORDER OF PROBATION

This cause coming on this day to be heard before me, and you,
the defendant, _____, being now present before me, and you having

(check one)

____ entered a plea of guilty to

____ entered a plea of nolo contendere to

____ been found guilty by jury verdict of

____ been found guilty by the court trying the case
without a jury of the offense(s) of _____

SECTION 1: Judgment Of Guilt

____ The Court hereby adjudges you to be guilty of the above
offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: Order Withholding Adjudication

____ Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on probation for a period of ____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: Probation During Portion Of Sentence

It is hereby ordered and adjudged that you be

____ committed to the Department of Corrections

____ confined in the County Jail

for a term of _____ with credit for _____ jail time. After you have served ____ of the term you shall be placed on probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

____ confined in the County Jail

for a term of _____ with credit for _____ jail time, as a special condition of probation.

It is further ordered that you shall comply with the following conditions of probation during the probationary period:

GENERAL CONDITIONS: [List the general conditions of probation pursuant to section 948.03, Florida Statutes.]

SPECIAL CONDITIONS: [List the special conditions of probation as orally pronounced and authorized by law.]

____ Other _____

(Use the space below for additional conditions as necessary.)

The court may rescind or modify at any time the terms and conditions imposed by it upon the probationer.

It is further ordered that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability.

It is further ordered that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on(date).....

Judge

I acknowledge receipt of a certified copy of this order. The conditions have been explained to me and I agree to abide by them.

.....(date).....

Probationer _____

Instructed by _____

Original:

Certified Copies:

Clerk of the Court

Probationer

Florida Department of
Corrections, Probation and
Parole Service

(f) Form for Community Control.

In the _____
Court,
of _____ County, Florida
Case Number _____

State of Florida

v.

Defendant

ORDER OF COMMUNITY CONTROL

This cause coming on this day to be heard before me, and you,
the defendant, _____, being now present before me, and you having

(check one)

_____ entered a plea of guilty to

_____ entered a plea of nolo contendere to

_____ been found guilty by jury verdict of

_____ been found guilty by the court trying the case
without a jury of the offense(s) of _____

SECTION 1: Judgment of Guilt

_____ The court hereby adjudges you to be guilty of the above
offense(s).

Now, therefore, it is ordered and adjudged that you be placed on community control for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: Order Withholding Adjudication

____ Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Community Control for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: Community Control During Portion Of Sentence

It is hereby ordered and adjudged that you be

____ committed to the Department of Corrections

____ confined in the County Jail

for a term of _____ with credit for _____ jail time. After you have served ____ of the term, you shall be placed on community control for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

____ confined in the County Jail

for a term of _____ with credit for _____ jail time, as a special condition of community control.

It is further ordered that you shall comply with the following conditions of community control during the community control period:

GENERAL CONDITIONS: [List the general conditions of community control pursuant to section 948.101, Florida Statutes.]

SPECIAL CONDITIONS: [List the special conditions of community control as orally pronounced and authorized by law.]

The court may rescind or modify at any time the terms and conditions imposed by it upon the community controllee.

It is further ordered that when you have reported to your officer and have been instructed as to the conditions of community control, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability.

It is further ordered that the clerk of this court file this order in the clerk's office, and forthwith provide certified copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on(date).....

Judge

I acknowledge receipt of a certified copy of this order. The conditions have been explained to me and I agree to abide by them.

.....(date).....

Community controller

Instructed by _____

Original:
Certified Copies:

Clerk of the Court
Community Controlee
Florida Department of
Corrections, Probation
and Parole Service

(g) Form for Restitution Order.

In the Circuit Court,
_____ Judicial Circuit, in and
for
_____ County, Florida
Division _____
Case Number _____

State of Florida

v.

Defendant

RESTITUTION ORDER

By appropriate notation, the following provisions apply to the sentence imposed in this section:

___ Restitution is not ordered as it is not applicable.

___ Restitution is not ordered due to the financial resources of the defendant.

___ Restitution is not ordered due to _____.
_____.

___ Due to the financial resources of the defendant, restitution of a portion of the _____ damages is ordered as prescribed below.

___ Restitution is ordered as prescribed below.

___ Restitution is ordered for the following victim. (Victim refers to the aggrieved _____ party, aggrieved party's estate, or aggrieved party's next of kin if the aggrieved _____ party is deceased as a result of the offense. In lieu of the victim's address,

the _____ address and phone number of the prosecuting attorney, victim’s attorney, or _____ victim advocate may be used.)

Name of victim

Name of attorney or advocate if applicable

Address _____

City, State, and Zip Code _____

Phone Number (of prosecuting attorney, victim’s attorney, or victim advocate) _____

[Include all restitution and findings, as authorized by law and pronounced at sentencing.]

DONE AND ORDERED at _____ County, Florida, on
.....(date).....

Judge

Original: Clerk of the Court

Certified Copy: Victim

Committee Note

1980 Amendment. The proposed changes to rule 3.986 are housekeeping in nature. References to the Department of Offender Rehabilitation have been changed to Department of Corrections to reflect a legislative change. See section 20.315, Florida Statutes (Supp. 1978). The reference to “hard labor” has been stricken as the courts have consistently held such a condition of sentence is not authorized by statute. See, *e.g.*, *McDonald v. State*, 321 So. 2d 453, 458 (Fla. 4th DCA 1975).

RULE 3.987. MOTION FOR POSTCONVICTION RELIEF

MODEL FORM FOR USE IN MOTIONS FOR
POSTCONVICTION RELIEF PURSUANT TO
FLORIDA RULE OF CRIMINAL PROCEDURE 3.850

In the Circuit Court of the
_____ Judicial Circuit,
in and for _____
County, Florida

State of Florida,	)	
	)	
v.	)	Criminal Division
	)	
_____	)	Case No.: _____
(your name)	)	(the original case
number)	)	
	)	
_____	)	

MOTION FOR POSTCONVICTION RELIEF

Instructions — Read Carefully

(1) This motion must be typewritten or hand-written in legible printed lettering, in blue or black ink, double-spaced, with margins no less than 1 inch on white 8 1/2 by 11 inch paper. No motion, including any memorandum of law, shall exceed 50 pages without leave of the court upon a showing of good cause. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.

(2) Additional pages are not permitted except with respect to the facts that you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted in support of your legal claims (as opposed to your

factual claims), they should be submitted in the form of a separate memorandum of law. This memorandum should have the same caption as this motion.

(3) No filing fee is required when submitting a motion for postconviction relief.

(4) Only the judgment of one case may be challenged in a single motion for postconviction relief. If you seek to challenge judgments entered in different cases, or different courts, you must file separate motions as to each such case. The single exception to this is if you are challenging the judgments in the different cases that were consolidated for trial. In this event, show each case number involved in the caption.

(5) Your attention is directed to the fact that you must include all grounds for relief, and all facts that support such grounds, in the motion you file seeking relief from any judgment of conviction.

(6) Claims of newly discovered evidence must be supported by affidavits attached to your motion. If your newly discovered evidence claim is based on recanted trial testimony or a newly discovered witness, the attached affidavit must be from that witness. For all other newly discovered evidence claims, the attached affidavit must be from any person whose testimony is necessary to factually support your claim for relief. If the required affidavit is not attached to your motion, you must provide an explanation why the required affidavit could not be obtained.

(7) Your motion must include an oath, under penalties of perjury, that contains the following:

(a) that you have read the motion or that it has been read to you;

(b) that you understand the contents of the motion;
and

(c) that all of the facts stated in the motion are true and correct.

(8) You must also certify, under the threat of sanctions, the following:

(a) that the motion is being filed in good faith and with a reasonable belief that it is timely filed;

(b) that the motion has potential merit;

(c) that this motion does not duplicate previous motions that have been disposed of by the court; and

(d) that you understand English, or if you cannot understand English, that you have had the motion translated completely into a language that you do understand, along with the name and address of the person who translated the motion and a certification from that person that he or she provided you with an accurate and complete translation.

(9) When the motion is fully completed, the original must be mailed to the clerk of the court whose address is _____ (county where sentence was imposed) County Courthouse, _____ (address of clerk), or filed through the Florida Courts E-filing Portal, as stated in Florida Rule of Appellate Procedure 9.420.

MOTION

1. Name and location of the court that entered the judgment of conviction under attack:

2. Date of judgment of conviction: _____

3. Length of sentence: _____

4. Nature of offense(s) involved (all counts): _____

5. What was your plea? (check only one)

(a) Not guilty _____

(b) Guilty _____

(c) Nolo contendere _____

(d) Not guilty by reason of insanity _____

If you entered one plea to one count and a different plea to another count, give details:

6. Kind of trial: (check only one)

(a) Jury _____

(b) Judge only without jury _____

7. Did you testify at the trial or at any pretrial hearing?

Yes _____ No _____

If yes, list each such occasion: _____

8. Did you appeal from the judgment of conviction?

Yes _____ No _____

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Result: _____

(c) Date of result: _____

(d) Citation (if known): _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, motions, etc., with respect to this judgment in this court?

Yes _____ No _____

11. If your answer to number 10 was “yes,” give the following information (applies only to proceedings in this court):

(a) (1) Nature of the proceeding: _____

(2) Grounds raised: _____

(3) Did you receive an evidentiary hearing on your petition, application, motion, etc.?

Yes _____ No _____

(4) Result: _____

(5) Date of result: _____

(b) As to any second petition, application, motion, etc., give the same information:

(1) Nature of the proceeding: _____

(2) Grounds raised: _____

(3) Did you receive an evidentiary hearing on your petition, application, motion, etc.?

Yes _____ No _____

(4) Result: _____

(5) Date of result: _____

12. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, motions, etc., with respect to this judgment in any other court?

Yes _____ No _____

13. If your answer to number 12 was “yes,” give the following information:

(a) (1) Name of court: _____

(2) Nature of the proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application, motion, etc.?

Yes _____ No _____

(5) Result: _____

(6) Date of result: _____

(b) As to any second petition, application, motion, etc., give the same information:

(1) Name of court: _____

(2) Nature of the proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application, motion, etc.?

Yes _____ No _____

(5) Result: _____

(6) Date of result: _____

(c) As to any third petition, application, motion, etc., give the same information:

(1) Name of court: _____

(2) Nature of the proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application, motion, etc.?

Yes _____ No _____

(5) Result: _____

(6) Date of result: _____

14. State concisely every ground on which you claim that the judgment or sentence is unlawful. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and the facts supporting them.

For your information, the following is a list of the most frequently raised grounds for postconviction relief. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds that you may have other than those listed. However, you should raise in this motion all available grounds

(relating to this conviction) on which you base your allegations that your conviction or sentence is unlawful.

DO NOT CHECK ANY OF THESE LISTED GROUNDS. If you select one or more of these grounds for relief, you must allege facts. The motion will not be accepted by the court if you merely check (a) through (i).

(a) Conviction obtained by plea of guilty or nolo contendere that was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

(c) Conviction obtained by a violation of the protection against double jeopardy.

(d) Denial of effective assistance of counsel.

(e) Denial of right of appeal.

(f) Lack of jurisdiction of the court to enter the judgment or impose sentence (such as an unconstitutional statute).

(g) Sentence in excess of the maximum authorized by law.

(h) Newly discovered evidence.

(i) Changes in the law that would be retroactive.

A. Ground 1: _____

Supporting FACTS (tell your story briefly without citing cases or law):

B. Ground 2: _____

Supporting FACTS (tell your story briefly without citing cases or law):

C. Ground 3: _____

Supporting FACTS (tell your story briefly without citing cases or law):

D. Ground 4: _____

Supporting FACTS (tell your story briefly without citing cases or law):

15. If any of the grounds listed in 14 A, B, C, and D were not previously presented on your direct appeal, state briefly what grounds were not so presented and give your reasons they were not so presented:

16. Do you have any petition, application, appeal, motion, etc., now pending in any court, either state or federal, as to the judgment under attack?

Yes _____ No _____

17. If your answer to number 16 was “yes,” give the following information:

(a) Name of court: _____

(b) Nature of the proceeding: _____

(c) Grounds raised: _____

(d) Status of the proceedings: _____

18. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein.

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any postconviction proceeding: _____

(g) On appeal from any adverse ruling in a postconviction proceeding: _____

WHEREFORE, movant requests that the court grant all relief to which the movant may be entitled in this proceeding, including but not limited to (here list the nature of the relief sought):

1. _____

2. Such other and further relief as the court deems just and proper.

OATH

Under penalties of perjury, I declare that I have read the foregoing motion, or had it read to me, that I understand the motion's content, and that all of the facts alleged in the motion are true and correct.

/s/ _____
Name _____
DC# _____

Certifications and Acknowledgment

I certify that the motion is filed in good faith, that I have a reasonable belief that the motion is timely filed, has potential merit, and does not duplicate previous motions that have been disposed of by the court.

I certify that [choose one]

_____ I understand English and have read the foregoing motion, or had the motion read to me; or

_____ I cannot understand English and the foregoing motion was translated completely into a language that I understand and read to me by(name)....., whose address is(address)....., and whose certification of an accurate and complete translation is attached to this motion.

I understand that I am subject to judicial or administrative sanctions, including but not limited to forfeiture of gain time, if this motion is found to be frivolous, malicious, made in bad faith or with reckless disregard for the truth, or an abuse of the legal process.

/s/ _____
Name _____
DC# _____

Certificate of Mailing

(Must use Certificate of Mailing OR Certificate of Service)

I certify that I placed this document in the hands of
.(here insert name of institution official). . . . for mailing to
.(here insert name or names and addresses used for service). . . .
on(date). . . .

/s/ _____
Name _____
Address _____
DC# _____

Certificate of Service

(Must use Certificate of Mailing OR Certificate of Service)

I certify that the foregoing document has been furnished to . . .
..(here insert name or names, addresses used for service and
mailing addresses). . . . by (e-mail) (delivery) (mail) (fax) on
.(date). . . .

/s/ _____
Attorney

Certificate of an Accurate and Complete Translation
(To be used if translation of the motion was necessary.)

I certify that a complete and accurate translation of this
motion was provided to the Defendant in this case on (date). .
. . . .

/s/ _____
Name _____
Address _____
DC# _____

RULE 3.9875. MOTION FOR JAIL CREDIT

MODEL FORM FOR USE IN MOTIONS FOR
CORRECTION OF JAIL CREDIT PURSUANT TO
FLORIDA RULE OF CRIMINAL PROCEDURE 3.801

In the Circuit Court of the
_____ Judicial Circuit,
in and for _____
County, Florida

State of Florida)
)
 v.)
)
 _____)
(your name))
)
 _____)

MOTION FOR CORRECTION OF JAIL CREDIT

INSTRUCTIONS FOR FILING MOTION FOR JAIL CREDIT
PURSUANT TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.801
READ CAREFULLY

1. The attached motion is the only type of motion you are permitted to file to obtain in-state jail credit omitted from your final sentence. It may not be used to obtain out-of-state jail credit.
2. You must file this motion within 1 year of the date your sentence became final.
3. Only 1 motion may be filed to obtain jail credit omitted from your final sentence. No successive motion for jail credit from a final sentence will be considered.

4. You must complete the attached motion by filling in the blank spaces.

5. You must tell the truth and sign the attached motion. If you make a false statement of a material fact in your motion, you may be prosecuted for perjury.

6. You must file the attached motion in the court that imposed the sentence on which the jail credit was omitted.

7. You are not required to pay a filing fee to file the attached motion.

MOTION FOR CORRECTION OF JAIL CREDIT

_____ (hereinafter “defendant”), in pro se fashion, respectfully moves this Honorable Court for jail credit pursuant to section 921.161(1), Florida Statutes, and Florida Rule of Criminal Procedure 3.801. In support of the motion, the defendant states the following in a question-and-answer format:

1. What is/are the FACT(S) that was/were omitted from any sentence(s) imposed in this case that entitle you to jail credit? _____

2. Is this the first motion you have filed requesting this jail credit? _____

If you answered NO, how many prior motions have you filed? _____

As to EACH motion, what was the result? _____

3. If you have already received jail credit on any sentence(s) imposed in this case, what was the total time for jail credit on each sentence? _____

What dates did this jail credit cover? _____

Where were you incarcerated? _____

4. What is the total time for jail credit that you are requesting in this motion that you have NOT YET RECEIVED on any sentence(s) imposed in this case? _____

What dates does this jail credit cover? _____

Where were you incarcerated? _____

Did you have any other charge(s) pending during this time frame? _____

If the answer is YES, as to EACH charge, what is the case number, name of county, and resolution of charge(s)? _____

5. Was your sentence the result of a trial or plea? _____

If your sentence was the result of a plea:

Was it a negotiated plea with the state or was it an open plea to the court?

Did you sign a written plea agreement? _____

Did you sign a written rights waiver form? _____

Did you waive any county jail credit as part of the plea? _____

If so, how many days did you agree to waive? _____

6. Under penalties of perjury and administrative sanctions from the Department of Corrections, including forfeiture of gain time if this motion is found to be frivolous or made in bad faith, I certify that I understand the contents of the foregoing motion, that the facts contained in the motion are true and correct, and that I have a reasonable belief that the motion is timely filed. I certify that this motion does not duplicate previous motions that have been disposed of by the court. I further certify that I understand English and have read the foregoing motion or had the motion read to me, or the foregoing motion was translated completely into a language which I understand and read to me by(name)....., whose address is(address)....., and whose certification of an accurate and complete translation is attached to this motion.

WHEREFORE, the defendant respectfully moves the court to grant this motion for ____ days of additional jail credit, for a total of days of credit.

/s/ _____
Name _____
DC# _____

Certificate of Mailing

(Must use Certificate of Mailing OR Certificate of Service)

I certify that I placed this document in the hands of(here insert name of institution official)..... for mailing to(here insert name or names and addresses used for service)..... on(date).....

/s/ _____
Name _____
Address _____
DC# _____

Certificate of Service

(Must use Certificate of Mailing OR Certificate of Service)

I certify that the foregoing document has been furnished to(here insert name or names, addresses used for service and mailing addresses)..... by (e-mail) (delivery) (mail) (fax) on(date).....

/s/ _____
Attorney

Certificate of an Accurate and Complete Translation

(To be used if translation of the motion was necessary.)

I certify that a complete and accurate translation of this motion was provided to the defendant in this case on(date).....

/s/ _____

Name _____
Address _____

RULE 3.9876. MOTION FOR CORRECTION OF SENTENCE

MOTION FOR CORRECTION OF ILLEGAL SENTENCE, INCORRECT SENTENCING SCORESHEET, OR ERRONEOUS SEXUAL PREDATOR DESIGNATION

FLORIDA RULE OF CRIMINAL PROCEDURE 3.800(a)

INSTRUCTIONS FOR FILING MOTION FOR CORRECTION OF SENTENCE

**PURSUANT TO FLORIDA RULE OF CRIMINAL PROCEDURE
3.800(a)**

READ CAREFULLY

1. The attached motion is to be used to request a correction of illegal sentence, incorrect calculation in a sentencing scoresheet, or erroneous sexual predator designation. This form should not be used for motions for correction of jail credit (*see Fla. R. Crim. P. 3.801*).

2. No successive motion for correction of incorrect calculation in a sentencing scoresheet or the correction of erroneous sexual predator designation will be considered. If a motion fails to allege new or different grounds for relief, and the prior determination was on the merits, the motion may be dismissed.

3. The court records must demonstrate, on their face, that you are entitled to a correction of sentence or that a sexual predator designation is erroneous. The records that demonstrate that a sentence is illegal, that there is an incorrect calculation in a sentencing scoresheet, or that a sexual predator designation is erroneous, should be attached to this motion.

4. You must complete the attached motion by filling in the blank spaces.

___ erroneous sexual predator designation

pursuant to Florida Rule of Criminal Procedure 3.800(a). In support of the motion, the defendant states the following in a question-and-answer format:

1. What are the FACT(S) that entitle you to correction of sentence? _____

2. Where in the court's record is it demonstrated that you are entitled to correction of sentence, correction of incorrect calculation in a sentencing scoresheet, or the correction of erroneous sexual predator designation? _____

3. Is this the first motion you have filed requesting this correction of sentence or removal of an erroneous sexual predator designation? _____

If you answered NO, how many prior motions have you filed? What was the claim in each motion? _____

As to EACH motion, what was the result? _____

4. What is the correct sentence or designation that you are requesting in this motion?

5. Under penalties of perjury and administrative sanctions from the Department of Corrections, including forfeiture of gain time if this motion is found to be frivolous or made in bad faith, I certify that I understand the contents of the foregoing motion, that the facts contained in the motion are true and correct, and that I have a reasonable belief that the motion is timely filed. I certify that this motion does not duplicate previous motions that have been disposed of by the court. I further certify that I understand English and have read the foregoing motion or had the motion read to me, or the foregoing motion was translated completely into a language which I understand and read to me by(name)....., whose address is(address)....., and whose certification of an accurate and complete translation is attached to this motion.

/s/ _____
Name _____
DC# _____

Certification of Mailing
(Must use Certification of Mailing OR Certificate of Service)

I certify that I placed this document in the hands of(here insert name of institution official)..... for mailing to(here insert name or names and address(es) used for service)..... on(date).....

/s/ _____
Name _____
Address _____
DC# _____

Certificate of Service
(Must use Certification of Mailing OR Certificate of Service)

I certify that the foregoing document has been furnished to
(here insert name or names, address(es) used for service and
mailing address(es)) by (e-mail) (delivery) (mail) (fax) on(date).....

/s/ _____
Attorney

Certification of an Accurate and Complete Translation
(To be used if translation of the motion was necessary.)

I certify that a complete and accurate translation of this
motion was provided to the Defendant in this case on(date).....

/s/ _____
Name _____
Address _____
DC# _____

RULE 3.988. SENTENCING GUIDELINES

Editor's Note: Originally proposed by Sentencing Guidelines Commission and adopted by Supreme Court September 8, 1983 (439 So. 2d 848). For amendments see 451 So. 2d 824, 468 So. 2d 220, 482 So. 2d 311, 487 So. 2d 1045, 491 So. 2d 1128, 509 So. 2d 1088, 522 So. 2d 374, 544 So. 2d 198, 566 So. 2d 770, 576 So. 2d 1307, 589 So. 2d 271, 613 So. 2d 1307, and 628 So. 2d 1084.

Available on this web page:

<http://www.floridabar.org/tfb/TFBLegalRes.nsf/D64B801203BC919485256709006A561C/E1A89A0DC5248D1785256B2F006CCCE?OpenDocument>

**RULE 3.989. SWORN STATEMENT; PETITION; AND ORDER TO
EXPUNGE OR SEAL FORMS**

(a) Sworn Statement in Support of Petition.

In the Circuit Court of the
_____ Judicial Circuit,
in and for _____
County, Florida

Case No.: _____
Division _____

State of Florida,)
)
Plaintiff,)
)
v.)
)
_____,)
)
Defendant/Petitioner)
_____)

SWORN STATEMENT

State of Florida

County of _____

I,(name of defendant/petitioner)....., am the
defendant/petitioner in the above-styled cause and I do hereby
swear or affirm that:

1. I fully understand the meaning of all of the terms of this
sworn statement.

2. I have never been adjudicated guilty of a criminal offense
or a comparable ordinance violation nor adjudicated delinquent for

committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.

3. I was arrested on(date)....., by(arresting agency)....., and I have not been adjudicated guilty of, nor adjudicated delinquent for committing, any of the acts stemming from that arrest or the alleged criminal activity surrounding my arrest.

4. I am eligible for the relief requested, to the best of my knowledge and belief, and do not have any other petition to expunge or seal pending before any court.

5. I have never secured a prior records expunction or sealing under section 943.0585 or 943.059, Florida Statutes, or under former section 893.14, 901.33, or 943.058, Florida Statutes, or the record is otherwise eligible for expunction because it has been sealed for at least 10 years.

6. (For use in expunction petitions only.) My record of arrest for this date has been sealed for at least 10 years; or an indictment, information, or other charging document was not filed against me for the above criminal transaction; or an indictment, information, or other charging document filed against me was dismissed by the prosecutor or the court.

Petitioner

Sworn to and subscribed before me on(date).....

NOTARY PUBLIC, or other
person authorized to
administer an oath

Printed, typed, or stamped
commissioned name of Notary
Public

Personally known or produced identification

Type of identification produced

My commission expires:

(b) Order to Expunge.

In the Circuit Court of the
_____ Judicial Circuit,
in and for _____
County, Florida

Case No.: _____
Division _____

State of Florida,)
)
Plaintiff,)
)
v.)
)
_____,)
)
Defendant/Petitioner.)
_____)

ORDER TO EXPUNGE UNDER
SECTION 943.0585, FLORIDA STATUTES,
AND FLORIDA RULE OF CRIMINAL PROCEDURE 3.692

THIS CAUSE having come on to be heard before me this date on a petition to expunge certain records of the petitioner's arrest on(date)....., by(arresting agency)....., for(charges)....., and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

1. The petitioner has never previously been adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.

2. The petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming

from the arrest or criminal activity to which this expunction petition pertains.

3. The petitioner has not secured a prior records expunction or sealing under section 943.0585 or 943.059, Florida Statutes, or under former section 893.14, 901.33, or 943.058, Florida Statutes, or the record is otherwise eligible for expunction because it has been sealed for at least 10 years.

4. This record has either been sealed for at least 10 years; or no indictment, information, or other charging document was ever filed in this case against the petitioner; or an indictment, information, or other charging document filed against the defendant was dismissed by the prosecutor or the court.

5. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the petition for expunction of nonjudicial criminal history records. Whereupon it is

ORDERED AND ADJUDGED that the petition to expunge is granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy of this order to the (check one) state attorney, special prosecutor, statewide prosecutor,(arresting agency)....., and the Sheriff of County, who will comply with the procedures set forth in section 943.0585, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that(arresting agency)..... shall expunge all information concerning indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this petition pertains in accordance with

the procedures set forth in section 943.0585, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All costs of certified copies involved herein are to be borne by the

DONE AND ORDERED in Chambers at County, Florida, on(date).....

Circuit Court Judge

(c) Order to Seal.

In the Circuit Court of the
____ Judicial Circuit,
in and for _____
County, Florida

Case No.: _____
Division _____

State of Florida,)
)
Plaintiff,)
)
v.)
)
_____,)
)
Defendant/Petitioner.)
_____)

ORDER TO SEAL RECORDS UNDER
SECTION 943.059, FLORIDA STATUTES,
AND FLORIDA RULE OF CRIMINAL PROCEDURE 3.692

THIS CAUSE having come on to be heard before me this date on petitioner's petition to seal records concerning the petitioner's arrest on(date)....., by the(arresting agency)....., and the court having heard argument of counsel and being otherwise advised in the premises, the court hereby finds:

1. The petitioner has never been previously adjudicated guilty of a criminal offense or comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.

2. The petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming

from the arrest or criminal activity to which the instant petition pertains.

3. The petitioner has not secured a prior records expunction or sealing under section 943.0585 or 943.059, Florida Statutes, or under former section 893.14, 901.33, or 943.058, Florida Statutes.

4. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the instant petition for sealing nonjudicial criminal history records. Whereupon it is

ORDERED AND ADJUDGED that the petition to seal records is granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy of this order to the (check one) state attorney, special prosecutor, statewide prosecutor,(arresting agency)....., and the Sheriff of County, who will comply with the procedures set forth in section 943.059, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that(arresting agency)..... shall seal all information concerning indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.059, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All costs of certified copies involved herein are to be borne by the

DONE AND ORDERED in Chambers at County, Florida, on(date).....

Circuit Court Judge

(d) Petition to Expunge or Seal.

In the Circuit Court of the
_____ Judicial Circuit,
in and for _____
County, Florida

Case No.: _____
Division _____

State of Florida,)
)
Plaintiff,)
)
v.)
)
_____,)
)
Defendant/Petitioner)
_____)

PETITION TO EXPUNGE OR SEAL

The petitioner,, by and through the undersigned attorney, petitions this honorable court, under Florida Rule of Criminal Procedure 3.692 and section 943.0585, or section 943.059 Florida Statutes, toexpunge/seal.... all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the petitioner's arrest on(date)....., by(arresting agency)....., for(charges)....., and as grounds therefor shows:

1. On(date)....., the petitioner,, a(race/sex)....., whose date of birth is(date of birth)....., was arrested by(arresting agency)....., and charged with(charges).....

2. The petitioner has not been adjudicated guilty of nor adjudicated guilty of committing any of the acts stemming from this arrest or alleged criminal activity.

3. The petitioner has not been previously adjudicated guilty of a criminal offense or a comparable ordinance violation, in this state nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.

4. The petitioner has not secured a prior records expunction or sealing under section 943.0585 or 943.059, Florida Statutes, or under former section 943.058, 893.14, Florida Statutes, or 901.33, Florida Statutes.

5. (To be used only when requesting expunction.) The petitioner's record has been sealed under section 943.059, Florida Statutes, or under former section 943.058, 893.14, or 901.33, Florida Statutes, for at least 10 years; or there has not been an indictment, information, or other charging document filed against the petitioner who is the subject of this criminal history record information; or an indictment, information, or other charging document filed against the petitioner who is the subject of this criminal history information was dismissed by the prosecutor or the court.

6. A Certificate of Eligibility forexpunction/sealing..... of nonjudicial criminal history records issued by the Florida Department of Law Enforcement accompanies this petition.

WHEREFORE, the petitioner moves toexpunge/seal..... any criminal history record information and any official court records regarding his/her arrest by(arresting agency)....., for(charges)....., on(date).....

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on(name of prosecuting authority)....., (check one) State Attorney for the Judicial Circuit, in and for County, Special Prosecutor, Statewide Prosecutor;(arresting agency).....;

(Sheriff of county in which defendant was arrested, if different); and
the Florida Department of Law Enforcement, on(date).....

Name:

Address:

City/State:

Telephone Number:

E-mail Address:

Fla. Bar No.:

Committee Notes

1984 Adoption. In order to have uniformity throughout the state, the committee proposes these forms for petition to expunge or seal, order to seal, and order to expunge and affidavit. These also should be a great asset to counsel and an invaluable asset to the clerks and FDLE, etc., who will be receiving orders in the future. The subcommittee working on these proposed forms has contacted law enforcement agencies, clerks, etc., for their input as to these proposed forms.

2019 Amendment. Subdivisions addressing human trafficking were moved to rule 3.9895.

**RULE 3.9895 HUMAN TRAFFICKING: SWORN STATEMENT;
PETITION; AND ORDER TO EXPUNGE OR SEAL
RECORDS**

(a) Petition to Expunge; Human Trafficking Victim.

In the Circuit Court of the
_____ Judicial Circuit,
in and for _____
County, Florida

Case No.: _____
Division _____

State of Florida,)
)
Plaintiff,)
)
v.)
)
_____,)
)
Defendant/Petitioner)
_____)

PETITION TO EXPUNGE/HUMAN TRAFFICKING VICTIM

The petitioner,, by and through the undersigned attorney, petitions this honorable court, under Florida Rule of Criminal Procedure 3.693 and section 943.0583, Florida Statutes, to expunge all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the petitioner's arrest and/or conviction on(date(s))....., by(arresting agency and/or prosecuting authority)....., for(charges and/or offenses)....., and as grounds therefor shows:

1. On(date(s))....., the petitioner,, a(race/sex)....., whose date of birth is(date of birth)....., was arrested by(arresting agency)....., and charged with(charges)..... or was convicted by(name of prosecuting authority)..... of(offenses).....

2. The petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed, or is reported to have committed, an offense, other than those offenses listed in section 775.084(1)(b)1, Florida Statutes, which was committed, or reported to have been committed, as a part of a human trafficking scheme of which he/she was the victim or at the direction of an operator of the scheme as evidenced by the attached official documentation of his/her status, or may be shown by clear and convincing evidence presented to the Court.

WHEREFORE, the petitioner moves to expunge any criminal history record information and any official court records regarding his/her arrest and/or conviction by(arresting agency and/or name of prosecuting authority)....., for(charges and/or offenses)....., on(date(s)).....

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on(name of prosecuting authority)....., (check one) State Attorney for the Judicial Circuit, in and for County, Special Prosecutor, Statewide Prosecutor;(arresting agency).....; and (Sheriff of county in which defendant was arrested, if different); on(date).....

Name:

Address:

City/State:

Telephone Number:

E-mail Address:

Fla. Bar No.:

Personally known or produced identification

Type of identification procedure

My commission expires:

(b) Sworn Statement in Support of Petition; Human Trafficking Victim.

In the Circuit Court of the
_____Judicial Circuit,
in and for _____
County, Florida

Case No.: _____
Division _____

State of Florida,)
)
Plaintiff,)
)
v.)
)
_____,)
)
_ Defendant/Petitioner)
_____)

SWORN STATEMENT/HUMAN TRAFFICKING VICTIM

State of Florida

County of _____

I,(name of defendant/petitioner)....., am the
defendant/petitioner in the above-styled cause and I do hereby
swear or affirm that:

1. I fully understand the meaning of all of the terms of this
sworn statement.

2. I have been the victim of human trafficking, as discussed
in section 787.06, Florida Statutes, and have committed, or was
reported to have committed, an offense, other than those offenses
listed in section 775.084(1)(b)1, Florida Statutes, which was

committed, or reported to have been committed, as a part of a human trafficking scheme of which I was the victim or at the direction of an operator of the scheme.

3. I was arrested and/or convicted on(date(s))....., by(arresting agency and/or name of prosecuting authority).....

4. I am eligible for the relief requested, to the best of my knowledge and belief.

Petitioner

Sworn to and subscribed before me on(date).....

NOTARY PUBLIC, or other
person authorized to
administer an oath

Printed, typed, or stamped
commissioned name of Notary
Public

Personally known or produced identification

Type of identification produced

My commission expires:

(c) Order to Expunge; Human Trafficking Victim.

In the Circuit Court of the
_____ Judicial Circuit,
in and for _____
County, Florida

Case No.: _____
Division _____

State of Florida,)
)
Plaintiff,)
)
v.)
)
_____,)
)
Defendant/Petitioner)
_____)

ORDER TO EXPUNGE, HUMAN TRAFFICKING VICTIM,
UNDER SECTION 943.0583, FLORIDA STATUTES,
AND FLORIDA RULE OF CRIMINAL PROCEDURE 3.693

THIS CAUSE, having come on to be heard before me this date upon a petition to expunge certain records of the petitioner's arrest and/or conviction on(date(s))....., by(arresting agency and/or name of prosecuting authority)....., for(charges and/or offenses)....., and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

The petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed an offense, or is reported to have committed, other than those offenses listed in section 775.084(1)(b)1, Florida Statutes, which was committed, or reported to have been committed, as a part of a

human trafficking scheme of which he/she was the victim, or at the direction of an operator of the scheme. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings.

Whereupon it is

ORDERED AND ADJUDGED that the petition to expunge is granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.693; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy of this order to the (check one) state attorney, special prosecutor, statewide prosecutor,(arresting agency)....., and the Sheriff of County, who will comply with the procedures set forth in section 943.0583, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that(arresting agency)..... shall expunge all information concerning indicia of arrest, conviction, or criminal history record information regarding the arrest, conviction, or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.0583, Florida Statutes, and Florida Rule of Criminal Procedure 3.693.

DONE AND ORDERED in Chambers at County, Florida, on(date).....

Circuit Court Judge

Committee Notes

2019 Amendment. Rule 3.9895 was previously a part of rule 3.989.

RULE 3.990. SENTENCING GUIDELINES SCORESHEET

**RULE 3.991. SENTENCING GUIDELINES SCORESHEETS
(OCTOBER 1, 1995)**

RULE 3.992. CRIMINAL PUNISHMENT CODE SCORESHEET

The score sheets can be found on this webpage:
<https://www.floridabar.org/rules/ctproc/>

RULE 3.993. FORMS RELATED TO CAPITAL POSTCONVICTION
RECORDS PRODUCTION

**(a) Notice to State Attorney of Affirmance of Death
Penalty.**

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**NOTICE TO STATE ATTORNEY OF
AFFIRMANCE OF DEATH PENALTY**

TO: _____
[name of state attorney and circuit]

The Attorney General of the State of Florida, under Florida Rule of Criminal Procedure 3.852(d)(1), gives notice that on(date)...., the Florida Supreme Court issued its mandate affirming the death sentence in this case.

Within 15 days after receipt of this notice, you should provide written notice to each law enforcement agency involved in this case.

Within 90 days after receipt of this notice, you and each law enforcement agency involved in this case, should copy, index, and deliver to the records repository of the Secretary of State all public records that were produced in the investigation or prosecution of this case, except those previously filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of state attorney)....., and(name of trial counsel for defendant)..... on(date).....

[name, address, and e-mail
address of
attorney general]

(b) Notice to Secretary of Department of Corrections of Affirmance of Death Penalty.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**NOTICE TO SECRETARY OF DEPARTMENT OF CORRECTIONS
OF AFFIRMANCE OF DEATH PENALTY**

TO: _____
[name of Secretary of Department of Corrections]

The Attorney General of the State of Florida, under Florida Rule of Criminal Procedure 3.852(d)(1), gives notice that on(date)....., the Florida Supreme Court issued its mandate affirming the death sentence in this case.

Within 90 days after receipt of this notice, you should copy, index, and deliver to the records repository of the Secretary of State all public records determined by your department to be relevant to the subject matter of a proceeding under Florida Rule of Criminal Procedure 3.850 or 3.851 unless the production of these records would be unduly burdensome.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of Secretary of Department of Corrections)....., and(name of trial counsel for defendant)..... on(date).....

[name, address, and e-mail
address of attorney general]

(c) Notice by State Attorney to Law Enforcement Agency.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**NOTICE OF AFFIRMANCE OF DEATH PENALTY
AND TO PRODUCE PUBLIC RECORDS**

TO: _____
[name of chief law enforcement officer]

The State Attorney of the _____ Judicial Circuit of the State of Florida, under Florida Rule of Criminal Procedure 3.852(e)(1), hereby gives notice to(name of chief law enforcement officer and agency)....., that was involved in this case by investigation, arrest, prosecution or incarceration, that on(date)....., the Florida Supreme Court issued its mandate affirming the death sentence in this case.

Within 90 days after receipt of this notice, you and each law enforcement agency involved in this case should copy, index, and deliver to the records repository of the Secretary of State all public records that were produced in the investigation, arrest, prosecution, or incarceration of this case, except those filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name

of chief law enforcement officer).....,(name of attorney general)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail
address of state attorney]

(d) Notice of Compliance by State Attorney.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

NOTICE OF COMPLIANCE BY STATE ATTORNEY

TO: _____
[name, address, and e-mail address of attorney general]

The State Attorney for the _____ Judicial Circuit gives notice to the Attorney General of compliance by delivery of public records involving this case to the records repository of the Secretary of State. To the best of my knowledge and belief, all public records in my possession that were produced in the investigation or prosecution of the case, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the Secretary of State as required by Florida Rule of Criminal Procedure 3.852(e)(2).

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general)....., and(name of collateral counsel)..... on(date).....

[name, address, and e-mail
address of attorney general]

**(e) Notice of Compliance by the Secretary of the
Department of Corrections.**

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,'

Defendant.

**NOTICE OF COMPLIANCE BY THE SECRETARY
OF THE DEPARTMENT OF CORRECTIONS**

TO: _____
[name, address, and e-mail address of attorney general]

The Secretary of the Department of Corrections, having received notice of the affirmance of the death penalty in this case from the Attorney General on(date)....., hereby gives notice and certifies that, to the best of my knowledge and belief, all public records determined by the Department to be relevant to the subject matter of a proceeding under Florida Rule of Criminal Procedure 3.850 or 3.851, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the Secretary of State.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general).....,(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail
address of
Secretary of Department of
Corrections]

(f) Notice of Compliance by Law Enforcement Agency.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

NOTICE OF COMPLIANCE BY LAW ENFORCEMENT AGENCY

TO: _____
[name, address, and e-mail address of attorney general]

.....(name of chief law enforcement officer and agency)..... that was involved in this case by an investigation, arrest, prosecution, or incarceration, hereby gives notice to the Attorney General of compliance by delivery of public records involving this case to the records repository of the Secretary of State. I further certify that, to the best of my knowledge and belief, all public records in possession of this agency or in the possession of any employee of this agency that were produced in the investigation or prosecution of the case, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the Secretary of State.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general).....,(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail
address of
chief law enforcement officer]

(g) Notice to Attorney General of Pertinent Information.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**STATE ATTORNEY'S NOTICE TO ATTORNEY GENERAL
OF PERTINENT INFORMATION**

TO: _____
[name, address, and e-mail address of attorney general]

The undersigned(name of state attorney)..... hereby gives notice to the Attorney General of the following name(s) and address(es) of any person or agency having information pertinent to this case in addition to those persons and agencies who previously furnished public records to the records repository of the Secretary of State:

[list names and addresses of persons or agencies]

Please provide prompt written notification to each identified person or agency of the duty to deliver to the records repository of the Secretary of State all public records pertaining to this case, except those previously filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name

of attorney general)....., and(name of public defender or defense counsel)...., on(date).....

[name, address, and e-mail
address of
attorney general]

(h) Notice to Attorney General of Pertinent Information.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**TRIAL COUNSEL'S NOTICE TO ATTORNEY
GENERAL OF PERTINENT INFORMATION**

TO: _____
[name, address, and e-mail address of attorney general]

The undersigned(name of public defender or other counsel)....., for(name of defendant)..... hereby gives notice to the Attorney General of the following name(s) and address(es) of persons or agencies that may have information pertinent to this case, in addition to those previously furnished to collateral counsel.

[list names and addresses of persons or agencies]

Please provide prompt written notification to each identified person or agency of the duty to deliver to the records repository of the Secretary of State all public records pertaining to this case, except those previously filed in the trial court.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general)....., and(name of state attorney)....., on(date).....

[name, address, and e-mail
address of
trial counsel]

**(i) Notice by Attorney General to Person or Agency
Having Pertinent Information.**

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**NOTICE BY ATTORNEY GENERAL TO PERSON
OR AGENCY HAVING PERTINENT INFORMATION**

TO: _____
[name, address, and e-mail address of person or agency]

Pursuant to Florida Rule of Criminal Procedure 3.852(d)(2), the undersigned has been notified by(name of trial counsel or state attorney)....., that you have public records pertinent to this case.

Under the provisions of rule 3.852(e)(5), you must:

1. Within 90 days of receipt of this notice, copy, index, and deliver to the records repository of the Secretary of State all public records in your possession pertinent to this case, except those previously filed in the trial court; and
2. Provide written notice to me that you have complied with these provisions.

I HEREBY CERTIFY that a true and correct copy of the pleading has been served on(name of person or agency)..... and(name of trial court)....., on(date).....

[name, address, and e-mail
address of
attorney general]

(j) Notice of Compliance by Person or Agency.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

NOTICE OF COMPLIANCE BY PERSON OR AGENCY

TO: _____
[name, address, and e-mail address of attorney general]

The undersigned having received notice under Florida Rule of Criminal Procedure 3.852(e)(5) from the Attorney General on(date)....., to copy, index, and deliver all public records in my possession or in the possession of the undersigned agency to the records repository of the Secretary of State, hereby gives notice to the Attorney General and further certifies that, to the best of my knowledge and belief, all of these public records in my possession or in the possession of the undersigned agency pertaining to this case, except those previously filed in the trial court, have been copied, indexed, and delivered to the records repository of the Secretary of State.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney general).....,(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail
address of
person or agency]

(k) Defendant's Demand for Production of Additional Public Records Pertaining to Defendant's Case.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**DEFENDANT'S DEMAND FOR ADDITIONAL PUBLIC
RECORDS PERTAINING TO DEFENDANT'S CASE**

TO: _____
[name, address, and e-mail address of person or agency]

The defendant, by and through undersigned counsel, hereby makes demand of(name of person or agency submitting public records)....., under Florida Rule of Criminal Procedure 3.852(i), for additional public records pertinent to this case.

1. Undersigned counsel represents that, after a timely and diligent search, the records specifically described below:

(a) are relevant to a pending proceeding under rule 3.850; or

(b) appear reasonably calculated to lead to the discovery of admissible evidence; and

(c) have not been obtained previously in discovery or from a prior public records request from either the above-named person or agency or any other; and

(d) presently are not available from the public records repository.

2. The public records requested are as follows:

[list public records requested]

3. Under rule 3.852, any objection to production, including any claim of exemption, must be filed with the trial court and served on all counsel of record within 60 days of receipt of this demand, or that objection will be considered waived.

4. Under rule 3.852, you shall, within 90 days after receipt of this demand:

(a) copy, index, and deliver to the records repository of the Secretary of State any additional public records in the possession of your agency that pertain to this case; and

(b) certify that, to the best of your knowledge and belief, all additional public records have been delivered to the records repository of the Secretary of State; and

(c) recertify that the public records previously delivered are complete if no additional public records are found.

[name of attorney for
defendant]

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of person or agency).....,(name of attorney general)....., and(name of state attorney)....., on(date).....

[name, address, and e-mail
address of
attorney for defendant]

(l) Objection to Defendant's Request for Production of Additional Public Records Pertaining to Defendant's Case and Motion for Hearing.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**OBJECTION TO DEFENDANT'S REQUEST FOR PRODUCTION
OF ADDITIONAL PUBLIC RECORDS PERTAINING TO
DEFENDANT'S CASE AND MOTION FOR HEARING**

The undersigned person or agency, having received on
.....(date)..... defendant's demand for production of additional public
records pertaining to defendant's case, hereby files this objection
and respectfully moves the court to hold a hearing to determine if
the requirements of Florida Rule of Criminal Procedure 3.852[(g)(3)]
have been met. The grounds for this objection are:

[specify grounds and identify records]

Respectfully submitted,

[name of attorney]

Attorney for _____

[name of person or agency]

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of attorney for defendant)....., and(name of attorney general)....., on(date).....

[name, address, and e-mail
address of
attorney]

**(m) Notice of Delivery of Exempt Public Records to
Records Repository.**

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____ ,

Defendant.

**NOTICE OF DELIVERY OF EXEMPT PUBLIC
RECORDS TO RECORDS REPOSITORY**

TO: Records Repository

[address of records repository]

The undersigned,(name of person or agency)....., hereby gives notice to the records repository of the Secretary of State that certain delivered records are confidential or exempt from the requirements of section 119.07(1), Florida Statutes. These public records have been separately contained without being redacted, sealed, and the nature of the public records and the legal basis under which the public records are exempt has been identified.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of records repository).....,(name of attorney general).....,(name of state attorney)....., and(name of collateral counsel)....., on(date).....

[name, address, and e-mail
address of
person or agency]

(n) Order to Deliver Exempt Public Records to the Clerk of Circuit Court.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**ORDER TO DELIVER EXEMPT
PUBLIC RECORDS**

TO: Records Repository

[address of records repository]

This court having received notice on(date)....., that certain records for which a claim of confidentiality or exemption from disclosure has been made have been copied, indexed, separately contained without being redacted, sealed, identified as to their nature and the legal basis for their confidentiality or exemption, and delivered to the records repository of the Secretary of State, it is ordered that said records be delivered to(name of clerk of circuit court)..... for further proceedings consistent with Florida Rule of Criminal Procedure 3.852(f).(name of moving party)..... shall bear all costs associated with the transportation and inspection of these records by the trial court.

DONE AND ORDERED in _____ County, Florida, on
.....(date).....

Judge

Judge's address and e-mail
address

(o) Notice of Delivery of Exempt Public Records to the Clerk of Circuit Court.

In the Circuit Court of the _____
Judicial Circuit, in and for _____
County, Florida
Case No. _____
Division _____

State of Florida,

Plaintiff,

v.

_____,

Defendant.

**NOTICE OF DELIVERY OF EXEMPT
PUBLIC RECORDS TO CLERK
OF CIRCUIT COURT**

TO: _____
[name, address, and e-mail address of clerk of circuit court]

The Secretary of State, by and through the undersigned, having received an appropriate court order under Florida Rule of Criminal Procedure 3.852, hereby gives notice that the sealed container(s) of exempt public records has/have been shipped to the above-listed clerk of circuit court. Under the provisions of rule 3.852(f)(2), these public records may be opened only for an inspection by the trial court in camera.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on(name of trial court).....,(name of clerk of circuit court).....,(name of attorney general)....., and(name of collateral counsel)....., on(date).....

[name of secretary of state]

By: _____
[name of representative of
secretary
of state]

Address and e-mail address

RULE 3.994. ORDER CERTIFYING NO INCARCERATION

In the _____ Court of the
_____ Judicial Circuit
in and for _____
County, Florida
Case No.: _____
Division _____

State of Florida)
 Plaintiff,)
)
v.)
)
_____ (name) _____,)
 Defendant.)
)

ORDER CERTIFYING NO INCARCERATION

1. The court hereby certifies that it will not impose any period of incarceration upon the defendant if there is a finding of guilt, a plea of guilty or nolo contendere on the substantive charge(s), or any probation revocation in this case.

2. The court hereby finds that the defendant is not incarcerated in this case.

3. Accordingly,

☐ The court declines to appoint counsel in this case.

☐ The court having found that the defendant will not be substantially prejudiced by the discharge of appointed counsel, counsel is discharged in this case.

☐ The court finds that the defendant would be substantially prejudiced by the discharge of appointed counsel and, therefore, the Court will not discharge counsel in this case.

4. This certification of no incarceration may be withdrawn by the court after notice to the defendant unless the court has made a finding of guilt or the defendant has pled guilty or nolo contendere.

5. If this order certifying no incarceration is withdrawn after appointed counsel has been discharged pursuant to this order, there shall be an immediate redetermination of indigency and appointment of counsel.

DONE AND ORDERED at, Florida, on(date).....

Judge

**RULE 3.995. ORDER OF REVOCATION OF PROBATION /
COMMUNITY CONTROL**

Officer _____

Office Location _____

Judge/Division _____

In the Circuit/County Court,

_____ County, Florida

Case Number _____

State of Florida

v.

Defendant

**ORDER OF REVOCATION OF
PROBATION/COMMUNITY CONTROL**

THIS CAUSE, having been brought upon an affidavit of violation of probation/community control, and it appearing that the defendant was placed on probation/community control in accordance with the provisions of Chapter 948, Florida Statutes and, it further appearing that the defendant,

___ entered an admission to a material violation(s), or

___ after hearing has been found by the Court to be in material violation of the following condition(s):

IT IS THEREFORE ORDERED AND ADJUDGED that the probation/community control of the defendant be revoked in accordance with Section 948.06, Florida Statutes.

DONE AND ORDERED IN OPEN COURT, this ___ day of _____.

Judge

RULE 3.996. APPLICATION FOR SENTENCE REVIEW HEARING

APPLICATION FOR SENTENCE REVIEW HEARING UNDER
FLORIDA RULE OF CRIMINAL PROCEDURE 3.802

INSTRUCTIONS FOR FILING APPLICATION FOR SENTENCE REVIEW HEARING

PURSUANT TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.802. READ
CAREFULLY

1. You may file this application at any point after you are statutorily eligible, pursuant to section 921.1402, Florida Statutes.
2. You must complete the attached application by filling in the blank spaces.
3. You must tell the truth and sign the attached application. If you make a false statement of a material fact in your application, you may be prosecuted for perjury.
4. You must file the attached application in the court of original jurisdiction, which imposed the sentence to be reviewed.
5. You are not required to pay a filing fee to file the attached application.
6. A second or successive application shall be denied without a hearing unless the initial application was denied as premature, or pursuant to section 921.1402(2)(d), Florida Statutes, the initial application was submitted by a juvenile offender sentenced to a term of 20 years or more under section 775.082(3)(c), Florida Statutes, and more than 10 years has elapsed since the initial sentence review hearing.

In the Circuit Court of the
_____ Judicial Circuit
in and for _____
County, Florida

State of Florida)
)
 v.)
)
)
(your name))
)
_____)

APPLICATION FOR SENTENCE REVIEW HEARING

1.(print your name)....., hereinafter “juvenile offender,” respectfully moves this Honorable Court to hold a sentence review hearing pursuant to Florida Rule of Criminal Procedure 3.802 and section 921.1402, Florida Statutes. In support of the application, the juvenile offender states the following:

2. Juvenile offender has attached a copy of the written judgment and sentence to this application or filled out the following:

On(date of sentencing/resentencing)....., juvenile offender was sentenced to(number of years)..... in prison with a sentence review hearing after(number of years).....

3. Juvenile offender is entitled to a sentence review hearing because it has been(number of years)..... since juvenile offender was incarcerated for the convictions that are the subject of this application.

4. Has a previous application been filed? _____

a. If yes, what was the date the previous application was filed? _____

b. What was the disposition of the previous application? _____

5. Juvenile offender is indigent and will be seeking the appointment of counsel for the sentence review hearing as authorized by section 921.1402(5), Florida Statutes; (only if applicable);

6. Under penalties of perjury and administrative sanctions from the Department of Corrections, including forfeiture of gain time if this application is found to be frivolous or made in bad faith, I certify that I understand the contents of the foregoing application, that the facts contained in the application are true and correct, and that I have a reasonable belief that the application is timely filed.

/s/ _____

Name _____

DC# _____

Certification of Mailing
(Must use Certification of Mailing OR Certificate of Service)

I certify that I placed this document in the hands of(here insert name of institution official) for mailing to(here insert name or names and address(es) used for service) on(date).....

/s/ _____
Name _____
Address _____
DC# _____

Certificate of Service
(Must use Certification of Mailing OR Certificate of Service)

I certify that the foregoing document has been furnished to (here insert name or names, address(es) used for service and mailing address(es)) by (e-mail) (delivery) (mail) (fax) on(date).....

/s/ _____
Attorney

Certification of an Accurate and Complete Translation
(To be used if translation of the application was necessary.)

I certify that a complete and accurate translation of this application was provided to the juvenile offender in this case on(date).....

/s/ _____
Name _____
Address _____
DC# _____